



Comptroller General
of the United States
Washington, D.C. 20548

Becker 152446

Decision

Matter of: Elite Properties
File: B-257077.7
Date: July 14, 1994

DECISION

Elite Properties protests the award of a contract to Results under invitation for bids No. DACA21-94-B-0010 issued by the Department of the Army.

Elite asserts that there was a possible violation of the Certificate of Independent Price Determination, Federal Acquisition Regulation § 52.203-2, which requires a bidder to certify that it has arrived at its price independently, has not disclosed its price to other competitors, and has not attempted to induce another firm either to submit or not to submit a bid for the purpose of restricting competition.

An allegation that a bidder has violated this provision is not for resolution by our Office but, rather, is a matter for consideration by the contracting officer in determining the responsibility of the proposed awardee, which is based, in large measure on subjective judgments that are not susceptible to reasoned review. U-Liners Contracting Co., Inc., B-245179.2, Oct. 24, 1991, 91-2 CPD ¶ 370; Seyforth Roofing Co., Inc., B-241719.2, Mar. 11, 1991, 91-1 CPD ¶ 268. In this regard, the certification is used by contracting officers to ensure that there is no collusive bidding since such collusion is a criminal offense. However, should the contracting officer suspect that there is collusion, the matter should be referred to the Attorney General for a criminal investigation. Connelly Containers, Inc., B-227539, July 14, 1987, 87-2 CPD ¶ 44.¹

Accordingly, the protest is dismissed.

Ronald Berger
Ronald Berger
Associate General Counsel

¹We also note that we know of nothing that would prevent Elite itself from asking the Attorney General to review the matter.